IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5656 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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THAKORE NAGJIBHAI KARSANJI
Versus
STATE OF GUJARAT THRO.THE SECRETARY AND OTHERS

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Appearance :
MR SP MAJMUDAR for the Petitioner
Neeraj Soni, Assistant Government Pleader for Respondent No.1
DS AFF.NOT FILED (N) for Respondent(s) : 1 - 3.
MR BS PATEL for the Respondent No.4

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 07/08/2007

ORAL JUDGMENT

Rule. Mr Neeraj Soni, learned AGP waives service of Rule for respondents Nos.1 to 3 and Mr B.S.Patel waives service of Rule for respondent No.4. At the request of the learned counsel for the parties the matter is taken up for hearing today itself.

I have heard Mr S.P.Majmudar, learned advocate for the petitioner, Mr Neeraj Soni, learned AGP for respondents Nos.1 to 3 and Mr B.S.Patel for respondent No.4. Learned counsel for the parties request the Court not to pass any reasoned order. However, the have no objection if the impugned order is set aside and the matter is remanded to respondent No.1. IN view of the same, impugned order at Annexure-A passed by respondent No.1 dated 29th January 2007 in Revision Application No.65 of 2004 is quashed and set aside. Matter is remanded to respondent No.1 for his reconsideration. He is directed to grant personal hearing to the petitioner. He shall intimate the date of hearing to the petitioner one week in advance to enable him to remain present on the date of hearing. Whatever decision that may be taken by respondent No.1 shall be intimated to the petitioner within 15 days from the date of decision. With the above direction, the petition is disposed of. Rule is made absolute with no order as to costs. It is, however, clarified that till the revision application is decided, respondent No.4 will be permitted to run the fair-price shop.

(Akshay H Mehta, J.)

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